

Practitioner's Docket No. FINETEX 3.0-046**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**In re application of: **Ismail I. Walele, et al.**

Application No. 10 / 757,012 Group No.: 1625

Filed: 01/14/2004 Examiner:

For **PHENYLETHYL BENZOATE FOR USE IN COSMETICS, TOILETRIES,  
AND PERSONAL CARE PRODUCTS** OR FOR ABANDONMENTBox PGPUB-ABN  
Assistant Commissioner for Patents  
Washington, D.C. 20231

JUN 1 - 2005

PG PUB DIVISION

INITIALS BWD**PETITION FOR EXPRESS ABANDONMENT TO AVOID PUBLICATION**

(37 C.F.R. § 1.138(c))

**WARNING:** While addressing a petition under § 1.138 to Box PGPUB-ABN increases the chances of it being received in sufficient time to avoid publication, it is unlikely that a petition filed within 4 weeks of the projected publication date will be effective to avoid publication under any circumstance. Notice of Sept. 20, 2000, 65 Fed. Reg. 57024, at 57045.

**NOTE:** An applicant seeking to abandon an application to avoid publication of the application (see § 1.211(a)(1)) must submit a declaration of express abandonment by way of a petition under this section including the fee set forth in § 1.17(h) in sufficient time to permit the appropriate officials to recognize the abandonment and remove the application from the publication process. Applicant should expect that the petition will not be granted and the application will be published in regular course unless such declaration of express abandonment and petition are received by the appropriate officials more than four weeks prior to the projected date of publication. 37 C.F.R. § 1.138(c).

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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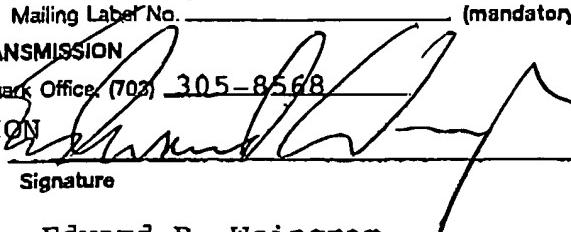
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**37 C.F.R. § 1.8(a)**
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Edward R. Weingram

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(Petition for Express Abandonment to Avoid Publication) [25-5]—page 1 of 2

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**NOTE:** The PTO explains that the petition under § 1.138(c) will be granted when it is recognized in sufficient time to avoid publication of application information and will be denied when it is not recognized in sufficient time to avoid publication of application information. This will avert the situation in which an applicant files a letter of express abandonment to avoid publication, the letter of express abandonment is not recognized in sufficient time to avoid publication, upon publication the applicant wishes to rescind the letter of express abandonment, and the Office cannot revive the application (once the letter of express abandonment is recognized) because the application was expressly and intentionally abandoned by the applicant.

*Moreover, as the publication process is a fourteen-week process, the applicant should expect that the petition will not be granted and the application will be published in regular course unless such declaration of express abandonment and petition are received by the appropriate officials more than four weeks prior to the projected date of publication.*

See "Changes To Implement Eighteen-Month Publication of Patent Applications; Final Rule", [Fed. Reg.: September 20, 2000, pages 57023-57061, at page 57034; OG: October 10, 2000, pages 63-96].

**NOTE:** "A written declaration of abandonment must be signed by a party authorized under § 1.33(b)(1), (b)(3), or (b)(4) to sign a paper in the application. . . ." 37 C.F.R. § 1.138(b).

NOTE: 37 C.F.R. 1.33(b): "(b) Amendments and other papers.

*Amendments and other papers, except for written assertions pursuant to § 1.27(c)(2)(ii) of this part, filed in the application must be signed by:*

- (1) A registered attorney or agent of record appointed in compliance with § 1.34(b);

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- (3) An assignee as provided for under § 3.71(b) of this chapter; or

- (4) All of the applicants (§ 1.41(b)) for patent, unless there is an assignee of the entire interest and such assignee has taken action in the application in accordance with § 3.71 of this chapter."

1. Applicant hereby petitions to expressly abandon this application, effective as of the date publication of this application is prevented, and as of the filing date accorded
  2. The petition fee of \$130.00 under § 7.17(h) is paid as follows:

- Attached is a  check  money order in the amount of \$ \_\_\_\_\_

Authorization is hereby made to charge the amount of \$ 130.00

to Deposit Account No. 23-0812

to Credit card as shown on the attached credit card information authorization form PTO-2038.

**WARNING:** Credit card information should not be included on this form as it may become public.

- Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Date: 6/1/05

Reg. No.: 24-493

  
EDWARD H. GIPSTEIN  

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**SIGNATURE OF PRACTITIONER**

**SIGNATURE OF PRACTITIONER**

Edward R. Weingram

(type or print name of practitioner)

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(Petition for Express Abandonment to Avoid Publication) [25-5]—page 2 of 2)

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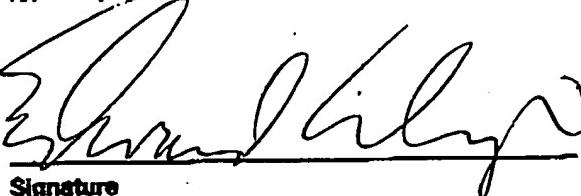
Filed: 01/14/2004 Examiner:

For: PHENYLETHYL BENZOATE FOR USE IN COSMETICS, TOILETRIES  
AND PERSONAL CARE PRODUCTS Patent No.: Issued:

NOTE: Insert name(s) of all inventor(s) and also title for patent.

Assistant Commissioner for Patents  
Washington, D.C. 20231**CERTIFICATION OF FACSIMILE TRANSMISSION**I hereby certify that the following papers are being facsimile transmitted to the Patent  
and Trademark Office (fax No.: (703) 305 - 8568 ) on the date shown below:PETITION FOR EXPRESS ABANDONMENT TO AVOID PUBLICATION  
(Original and Copy)TO: OFFICE OF PATENT PUBLICATION  
PRE-GRAANT PUBLICATION DIVISION6/1/05  
DateEdward R. Weingram

(type or print name of person signing certification)

  
Signature